

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOJO EJONGA-DEOGRACIAS,

Plaintiff,

v.

STEPHEN SINCLAIR, *et al.*,

Defendants.

Case No. C20-0320-RSM

ORDER GRANTING
DEFENDANT'S MOTION FOR
RECONSIDERATION

This matter comes before the Court on Defendants' Motion for Reconsideration, Dkt. #87. On February 27, 2024, this Court dismissed all claims except for Plaintiff's claims against Defendant Department of Corrections. Dkt. #86. Defendants contend that Plaintiff's remaining First Amendment claims were not against the Department of Corrections, thus all claims against the Department of Corrections had already been dismissed and were not appealed. Dkt. #87 at 2. Plaintiff agrees in his Response that all claims against the Department of Corrections were already dismissed but asks that the Court reconsider for a different reason, *i.e.*, to reinstate Plaintiff's First Amendment claims. Dkt. #91 at 2-3.

Accordingly, the Court recognizes its prior error and hereby ORDERS that Defendants' Motion for Reconsideration, Dkt. #87, is GRANTED, and Plaintiff's claims against Defendant

1 Department of Corrections are DISMISSED. Because Plaintiff appealed this Court's decision to
2 the Ninth Circuit prior to filing his Response to Defendants' Motion for Reconsideration and this
3 Order, this Court no longer has jurisdiction over Plaintiff's case. *See U.S. v. Phelps*, 283 F.3d
4 1176, 1181 n.5 (9th Cir. 2002) (citing *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58
5 (1982)). The Clerk is directed to enter judgment GRANTING Defendants' Motion for Summary
6 Judgment, Dkt. #78, in its entirety and DISMISSING the case with prejudice as to all Defendants.
7 This case is CLOSED.

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9 DATED this 15th day of March, 2024.

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12 RICARDO S. MARTINEZ
13 UNITED STATES DISTRICT JUDGE
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